

Portland Harbor Superfund Site
Portland, Oregon
9/15/14

Key Messages re State role at the site.

- This site continues to be a high priority for EPA.
- DEQ is a key partner in this project.
- Per our MOU, DEQs primary focus should be source control efforts. Much progress is being made on the high priority sites. We look forward to receiving a source control status report that will be provided to EPA later this fall. We look forward to reviewing this report.
- We understand that there is interest DEQ have a more significant role at the site. EPA has already talked with DEQ project managers and managers regarding DEQs interest and involvement in working with EPA early in the process to develop remedy options for the site. This work is planned for early 2015.
- We also understand that there is interest in DEQ working to clean up some of the contaminated sediment areas at the site. Some of this work is proceeding in conjunction with DEQs source control work. We are also working with DEQ to identify 1-2 other sites where additional work could proceed; however, we are still discussing this with DEQ as to what work is appropriate and how to communicate with parties about this. EPA wants to be sure that parties understand the EPA cannot provide a covenant not to sue (release of liability) for the site prior to EPAs remedy selection.
- Finally, EPA has secured facilitation services to facilitate dialogue with the DEQ on these topics and bolster our working relationship.

Current Status:

- EPA is working with the Lower Willamette Group (LWG), tribes and agency partners to revise the Remedial Investigation and Feasibility Study prepared by the Lower Willamette Group (LWG). EPA could not accept the documents prepared by the LWG; revisions are needed to ensure that these documents are technically sound and follow EPA guidance. The schedule for these revisions was recently extended to allow for a cooperative review process with the LWG.
- EPA will likely propose more cleanup than the LWG anticipated, although within the realm of the alternatives evaluated in the Draft Feasibility Study (FS).
- Remedial Investigation:
 - The cooperative review process has allowed EPA and the LWG to reach agreement on seven out of ten chapters of the RI. The LWG, however, on August 26, 2014 decided to formally dispute the discussion on background in chapter 7 of the RI. EPA has until October 3 to present its position to the dispute official, the ECL Office Director.
 - The LWG has also elevated chapters 5 and 10 of the RI to informal dispute resolution at the senior manager level..
- Arkema, a member of the LWG, has also formally disputed EPA's disapproval of their work plan for additional sampling as part of their early action at their portion of the site. Arkema wants to conduct additional sampling and have the results included in the RI/FS. EPA believes there is sufficient data collected for the RI/FS. The additional data would be more suitable to help with Remedial Design once a remedy is selected since the early action has been overcome by the schedule for the site wide ROD. Further, data collection, analysis and inclusion in the RI/FS would significantly delay the site wide ROD,
- The complexity of disputes and the amount of staff work necessary to respond to them will likely impact the schedule for completion of the RI/FS, currently scheduled for the end of next year. The disputes will also affect timing of the Remedy Review Board, Proposed Plan and ROD (ROD due in 2017).

- Oregon DEQ has approached EPA about conducting in-water sediment cleanup actions within the site using state authority. EPA does not object but will not be able to provide any covenants for this work.

Upcoming Events

- Congressman Blumenauer is calling for a meeting on November 24 to discuss the role of the state.
- We are also trying to set up a Senior Executives meeting for December. This group includes the Mayor of Portland, senior executives for NW Natural, Port of Portland, Arkema and Gunderson as well as Dennis McLerran, Jim Woolford and Lori Cohen.

Background:

- Site was listed on the National Priorities List in December 2000. There are high levels of PCBs, dioxins/furans, and other contaminants that present risk to human health and the environment that will require cleanup in the Willamette River.
- Contaminant levels and environmental conditions vary throughout the site. There are several “hot spot” areas that are significantly contaminated and will need active cleanup. Active cleanup (dredging, capping, enhanced natural recovery/treatment) will be required in some areas, and natural recovery may be the appropriate action in other areas.
- EPA is required to select a protective remedy that is cost effective and utilizes permanent solutions to the extent possible –this is a statutory mandate of the Superfund law.
- Fundamental to the cleanup is to prevent, minimize and reduce ongoing sources of contamination to the river. ODEQ is our partner and lead agency to address source control and we appreciate our partnership on these issues.
- The Baseline Human Health Risk Assessment and the Baseline Ecological Risk Assessment are completed and were approved by EPA in 2013. Key milestones!
- In response to Senator Merkley’s July 2013 inquiry as to how Headquarters will interact with the PRPs in the enhanced process, EPA identified several key areas for enhanced Headquarters involvement, including participation in executive meetings with the PRPs, participation on the National Remedy Review Board and review of PRPs comments on the Proposed Plan. The Agency also committed to the signature of the Record of Decision by the Administrator of EPA.
- The Director, OSRTI and the Regional Administrator attend regular executive meetings between the EPA and the Lower Willamette Group, (LWG, the potentially responsible parties that are performing the work) and with community and tribal stakeholders. Last meeting was May 13, 2014.
- EPA has worked with the LWG to develop an enhanced review process for the Remedial Investigation (RI) and the FS. This provides ample opportunities for responsible parties and other stakeholders to provide their views and concerns to Agency officials regarding the potential cleanup alternatives under consideration. This takes more time than originally planned, but EPA and the LWG generally agree this extra time is worthwhile to share technical perspectives on the cleanup. The RI and FS will be completed in 2015.
- EPA is working towards a goal of proposing a cleanup plan for public review in early 2016.
- EPA remains committed to working with EJ communities. We continue to provide updates on site progress and respond to questions during regularly scheduled community meetings and during the Oregon EJ Task Force meetings. We are engaging with EJ communities by providing training and multilingual outreach materials on the cleanup process.